

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

HIS TABERNACLE FAMILY CHURCH, INC. and  
MICHAEL SPENCER,

Plaintiffs,

AFFIDAVIT OF WEEDEN A. WETMORE  
District Attorney of Chemung County

-against-

STEVEN A. NIGRELLI, Acting Superintendent of  
The New York State Police, in his official and individual  
Capacities; WEEDEN A. WETMORE, District Attorney  
For the County of Chemung, New York, in his official and  
individual capacities; and MATTHEW VAN HOUTEN,  
District Attorney For the County of Tompkins, New York,  
in his official and individual capacities,

Case NO. 6:22-cv-06486

Defendants.

---

STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF CHEMUNG    )

**WEEDEN A. WETMORE**, being duly sworn, deposes and says:

1. I am the District Attorney for the County of Chemung, a position I have held since January 1, 2008.
2. Earlier this year, the New York Legislature passed an amendment to New York Penal Law § 265.01–e, the provision challenged by Plaintiffs in this matter.
3. Neither I, nor anyone in my office, had any part in the drafting or implementation of this legislation.
4. In August of this year I spoke with a Pastor of another church who called inquiring as to my position on the above legislation which was about to be enacted into law. The Pastor was concerned with security at his church as oftentimes persons within the church have to


work alone in the building after hours. I advised the Pastor that I had no desire to prosecute persons for simply carrying legally licensed firearms into a church.

5. As District Attorney of Chemung County, I have not prosecuted any persons under the new provisions of New York Penal Law § 265.01-e(2)(c).
6. The role of a prosecutor in New York State includes the exercise of discretion. In my discretion, I will not be taking any action to enforce the provisions of New York Penal Law § 265.01-e(2)(c) against any person.
7. I am also aware that this action is not the first to make a challenge to this law, and that this Court, as well as the Northern District of New York have entered injunctions with respect to the enforcement of New York Penal Law § 265.01-e.

Dated: December 7, 2022  
Elmira, New York

  
Weeden A. Wetmore

Sworn before me on this  
7<sup>th</sup> day of December, 2022

  
Notary Public

BRIDGETTE MATTISON SNYDER  
Notary Public, State of New York  
Reg. No. 011MA3030167  
Qualified in Chemung County  
Commission Expires September 9, 2026 